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10/586,212	11/13/2007	Emmanuel Legrand	047578/314033	2681
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ALSTON & BIRD LLP			TENTONI, LEO B	
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			03/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/586,212	LEGRAND, EMMANUEL
	<b>Examiner</b>	<b>Art Unit</b>
	Leo B. Tentoni	1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 December 2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 and 10-26 is/are pending in the application.  
 4a) Of the above claim(s) 14-20 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7,10-13 and 21-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07172006;07172009;12212009</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Group I, claims 1-7, 10-13 and 21-26 in the reply filed on 31 December 2009 is acknowledged. The traversal is on the ground(s) that (1) the common technical feature between the two groups is that the change of cross-section causes a partial reorientation of the molecular chains in a transverse direction, and (2) the amendment to independent claims 1 and 21 requires at least partial reorientation of molecular chains in the transverse direction. This is not found persuasive because this feature is taught by Magill et al (U.S. Patent 5,049,347 A), Magill (U.S. Patent 5,411,805 A), Soane et al (U.S. Patent Application Publication 2001/0014394 A1) and Galantai (U.S. Patent Application Publication 2002/0157200 A1), and since the common technical feature fails to define a contribution over the cited references, the common technical feature fails to constitute a special technical feature and hence, there is lack of unity between the groups of claims.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 14-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 31 December 2009.

***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in WIPO on 19 January 2004. It is noted, however, that applicant has not filed a certified copy of the WIPO application as required by 35 U.S.C. 119(b) .

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-7, 10-13 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 1 (line 2) and 21 (line 2), the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d) .

In claim 21, line 7, the period after the word "similar" should be a comma (there should be only one period in a claim, at the end of the claim) .

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7, 10-13 and 21-26 are rejected under 35

U.S.C. 102(b) as being anticipated by Magill (U.S. Patent 5,411,805 A).

Magill (see the entire document, in particular, col. 2, line 22 to col. 3, line 32; col. 9, lines 33-43; Examples) teaches a process of making a filament including the steps of bringing the filament to a desired viscosity, drawing the filament to produce a first longitudinal orientation and imposing a change of cross-section on the filament to at least partially reorient molecular chains in a transverse direction. Magill also teaches imposing an additional change of cross-section on the filament to cause a second partial reorientation of the molecular chain in a transverse direction (i.e., make triaxially oriented filaments). Magill does not explicitly teach that the filament is a cutting filament, as recited in the preamble of claim 1 and claim 21. However, the preamble is not considered a limitation and is of no significance to claim construction because the body of the claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states the purpose or intended use of the invention (*Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999)).

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9. Claims 1, 6, 7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Magill et al (U.S. Patent 5,049,347 A).

Magill et al (see the entire document, in particular, col. 1, line 38 to col. 2, line 46; col. 7, lines 14-21; Examples) teaches a process of making a filament including the steps of bringing the filament to a desired viscosity, drawing the filament to produce a first longitudinal orientation and imposing a change of cross-section on the filament to at least partially reorient molecular chains in a transverse direction. Magill et al does not explicitly teach that the filament is a cutting filament, as recited in the preamble of claim 1 and claim 21. However, the preamble is not considered a limitation and is of no significance to claim construction because the body of the claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states the purpose or intended use of the invention (*Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999)).

10. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Galantai (U.S. Patent Application Publication 2002/0157200 A1).

Galantai (see the entire document, in particular, paragraphs [0056] - [0064]) teaches a process of making a filament including the steps of bringing the filament to a desired viscosity, drawing the filament to produce a first longitudinal orientation and imposing a change of cross-section on the filament to at

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least partially reorient molecular chains in a transverse direction. Galantai does not explicitly teach that the filament is a cutting filament, as recited in the preamble of claim 1 and claim 21. However, the preamble is not considered a limitation and is of no significance to claim construction because the body of the claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states the purpose or intended use of the invention (Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999)).

11. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Soane et al (U.S. Patent Application Publication 2001/0014394 A1).

Soane et al (see the entire document, in particular, paragraphs [0003] and [0045]) teaches a process of making a filament including the steps of bringing the filament to a desired viscosity, drawing the filament to produce a first longitudinal orientation and imposing a change of cross-section on the filament to at least partially reorient molecular chains in a transverse direction. Soane et al does not explicitly teach that the filament is a cutting filament, as recited in the preamble of claim 1 and claim 21. However, the preamble is not considered a limitation and is of no significance to claim construction because the body of the claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states the purpose or intended

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use of the invention (*Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999)).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-7, 10-13 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magill (U.S. Patent 5,411,805 A).

Magill (see the entire document, in particular, col. 2, line 22 to col. 3, line 32; col. 9, lines 33-43; Examples) teaches a process of making a filament including the steps of bringing the filament to a desired viscosity, drawing the filament to produce a first longitudinal orientation and imposing a change of cross-section on the filament to at least partially reorient molecular chains in a transverse direction. Magill also teaches imposing an additional change of cross-section on the filament to cause a second partial reorientation of the molecular change in a transverse direction (i.e., make triaxially oriented filaments). Magill does not explicitly teach that the filament is a cutting filament; however, such use would have been obvious to one of ordinary skill in the art at the time the invention was made in

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view of Magill principally because Magill teaches the same manufacturing process for making a filament and one of ordinary skill in the art would have a reasonable expectation that the filament made by Magill would have similar properties to the filament made by the instant process.

14. Claims 1, 6, 7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magill et al (U.S. Patent 5,049,347 A).

Magill et al (see the entire document, in particular, col. 1, line 38 to col. 2, line 46; col. 7, lines 14-21; Examples) teaches a process of making a filament including the steps of bringing the filament to a desired viscosity, drawing the filament to produce a first longitudinal orientation and imposing a change of cross-section on the filament to at least partially reorient molecular chains in a transverse direction. Magill et al does not explicitly teach that the filament is a cutting filament; however, such use would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Magill et al principally because Magill et al teaches the same manufacturing process for making a filament and one of ordinary skill in the art would have a reasonable expectation that the filament made by Magill et al would have similar properties to the filament made by the instant process.

15. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galantai (U.S. Patent Application Publication 2002/0157200 A1).

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Galantai (see the entire document, in particular, paragraphs [0056] - [0064]) teaches a process of making a filament including the steps of bringing the filament to a desired viscosity, drawing the filament to produce a first longitudinal orientation and imposing a change of cross-section on the filament to at least partially reorient molecular chains in a transverse direction. Galantai does not explicitly teach that the filament is a cutting filament; however, such use would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Galantai principally because Galantai teaches the same manufacturing process for making a filament and one of ordinary skill in the art would have a reasonable expectation that the filament made by Galantai would have similar properties to the filament made by the instant process.

16. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soane et al (U.S. Patent Application Publication 2001/0014394 A1).

Soane et al (see the entire document, in particular, paragraphs [0003] and [0045]) teaches a process of making a filament including the steps of bringing the filament to a desired viscosity, drawing the filament to produce a first longitudinal orientation and imposing a change of cross-section on the filament to at least partially reorient molecular chains in a transverse direction. Soane et al does not explicitly teach that the filament is a cutting filament; however, such use would have been obvious to one of ordinary skill in the art at the time

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the invention was made in view of Soane et al principally because Soane et al teaches the same manufacturing process for making a filament and one of ordinary skill in the art would have a reasonable expectation that the filament made by Soane et al would have similar properties to the filament made by the instant process.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leo B. Tentoni/  
Primary Examiner, Art Unit 1791